



## Senate

General Assembly

January Session, 2011

**File No. 511**

Senate Bill No. 1177

*Senate, April 13, 2011*

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE DISCLOSURE OF INFORMATION BY  
THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE  
DEPARTMENT OF PUBLIC HEALTH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-80f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) As used in this section, "facility" means a child day care center, a  
4 group day care home and a family day care home, as defined in section  
5 19a-77, and a youth camp, as defined in section 19a-420.

6 (b) Notwithstanding any provision of the general statutes, the  
7 Commissioner of Children and Families, or the commissioner's  
8 designee, shall provide to the Department of Public Health all records  
9 concerning reports and investigations of [suspected] child abuse or  
10 neglect that have been reported to, or are being investigated by, the  
11 Department of Children and Families pursuant to section 17a-101g,  
12 including records of any administrative hearing held pursuant to

13 section 17a-101k: (1) Occurring at any facility, and (2) by any staff  
14 member or licensee of any facility and by any household member of  
15 any family day care home, as defined in section 19a-77, irrespective of  
16 where the abuse or neglect occurred.

17 (c) The Department of Children and Families and the Department of  
18 Public Health shall jointly investigate reports of abuse or neglect  
19 occurring at any facility. All information, records and reports  
20 concerning such investigation shall be shared between agencies as part  
21 of the investigative process.

22 (d) The Commissioner of Public Health shall compile a listing of  
23 allegations of violations that have been substantiated by the  
24 Department of Public Health concerning a facility during the prior  
25 three-year period. The Commissioner of Public Health shall disclose  
26 information contained in the listing to any person who requests it,  
27 provided the information may be disclosed pursuant to sections 17a-  
28 101g and 17a-101k and does not identify children or family members  
29 of those children.

30 (e) Notwithstanding any provision of the general statutes, when the  
31 Commissioner of Children and Families has made a finding  
32 substantiating abuse or neglect: (1) That occurred at a facility, or (2) by  
33 any staff member or licensee of any facility, or by any household  
34 member of any family day care home and such finding is included on  
35 the state child abuse or neglect registry, maintained by the Department  
36 of Children and Families pursuant to section 17a-101k, such finding  
37 may be included in the listing compiled by the Department of Public  
38 Health pursuant to subsection (d) of this section and may be disclosed  
39 to the public by the Department of Public Health.

40 (f) Notwithstanding any provision of the general statutes, when the  
41 Commissioner of Children and Families, pursuant to section 17a-101j,  
42 has notified the Department of Public Health of [suspected] a  
43 recommended finding of child abuse or neglect at a facility and if such  
44 child abuse or neglect resulted in or involves (1) the death of a child;  
45 (2) the risk of serious physical injury or emotional harm of a child; (3)

46 the serious physical harm of a child; (4) the arrest of a person due to  
 47 abuse or neglect of a child; (5) a petition filed by the Commissioner of  
 48 Children and Families pursuant to section 17a-112 or 46b-129; or (6)  
 49 sexual abuse of a child, the Commissioner of Public Health may  
 50 include [a] such finding of child abuse or neglect in the listing under  
 51 subsection (d) of this section and may disclose such finding to the  
 52 public. [If the] The Commissioner of Children and Families, or the  
 53 commissioner's designee, [notifies] shall immediately notify the  
 54 Commissioner of Public Health [that] when such child abuse or neglect  
 55 [was] is not substantiated after an investigation [or] has been  
 56 completed pursuant to subsection (b) of section 17a-101g or a  
 57 recommended finding of child abuse or neglect is reversed after a  
 58 hearing or appeal [, the] conducted in accordance with the provisions  
 59 of section 17a-101k. The Commissioner of Public Health shall  
 60 immediately remove such information from the listing and shall not  
 61 further disclose any such information to the public.

62 (g) Notwithstanding any provision of the general statutes, all  
 63 records provided by the Commissioner of Children and Families, or  
 64 the commissioner's designee, to the Department of Public Health  
 65 regarding child abuse or neglect occurring at any facility, may be  
 66 utilized in an administrative proceeding or court proceeding relative to  
 67 facility licensing. In any such proceeding, such records shall be  
 68 confidential, except as provided by the provisions of section 4-177c,  
 69 and such records shall not be subject to disclosure pursuant to section  
 70 1-210.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	19a-80f
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**PH**            *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which revises certain disclosure of information requirements of the Department of Children and Families and the Department of Public Health, does not result in a fiscal impact to either agency.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 1177*****AN ACT CONCERNING THE DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE DEPARTMENT OF PUBLIC HEALTH.*****SUMMARY:**

This bill revises the information the Department of Children and Families (DCF) must report to the Department of Public Health (DPH) about child abuse or neglect (1) occurring in a day care center, group day care home, family day care home, or DPH-licensed youth camp or (2) involving a facility's license holder, any facility staff, or any household member of a family day care home, regardless of where the abuse or neglect occurred.

It eliminates the requirement that DCF provide all records concerning reports and investigations of suspected abuse or neglect, including records of any administrative hearings it holds. It instead requires DCF to provide such records only for reports and investigations of child abuse or neglect that have been reported to or are being investigated by DCF.

The bill also revises the information DPH must keep on its corresponding abuse and neglect list. By law, DPH must keep a list of violations it substantiates during the previous three years concerning these facilities and disclose the information on the list, with certain exceptions, upon request. The bill specifies that the information may be disclosed only if allowed by law. Information identifying children or their family members continues to be confidential.

It also eliminates the requirement that DPH include on this list DCF reports of suspected abuse or neglect at a facility that resulted or involved (1) a child's death, (2) serious physical harm or the risk of

serious physical injury or emotional harm to a child, (3) child sexual abuse, (4) a person's arrest for child abuse or neglect, or (5) DCF petitioning to commit a child to its care or terminate a parent's rights to the child. It instead requires DPH to include DCF reports of recommended findings of child abuse or neglect at a facility that meet the above criteria.

By law, if DCF subsequently notifies DPH that its (1) investigation did not substantiate the abuse or neglect or (2) finding was reversed after appeal, DPH must immediately remove the information from its list and stop disclosing the information. The bill requires DPH to also remove this information if DCF's recommended finding of abuse or neglect was reversed after a hearing and specifies that DPH must take this action only for recommended findings of abuse and neglect. It also specifies that DCF must immediately notify DPH with this information.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2011

#### **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 28      Nay 0      (03/28/2011)